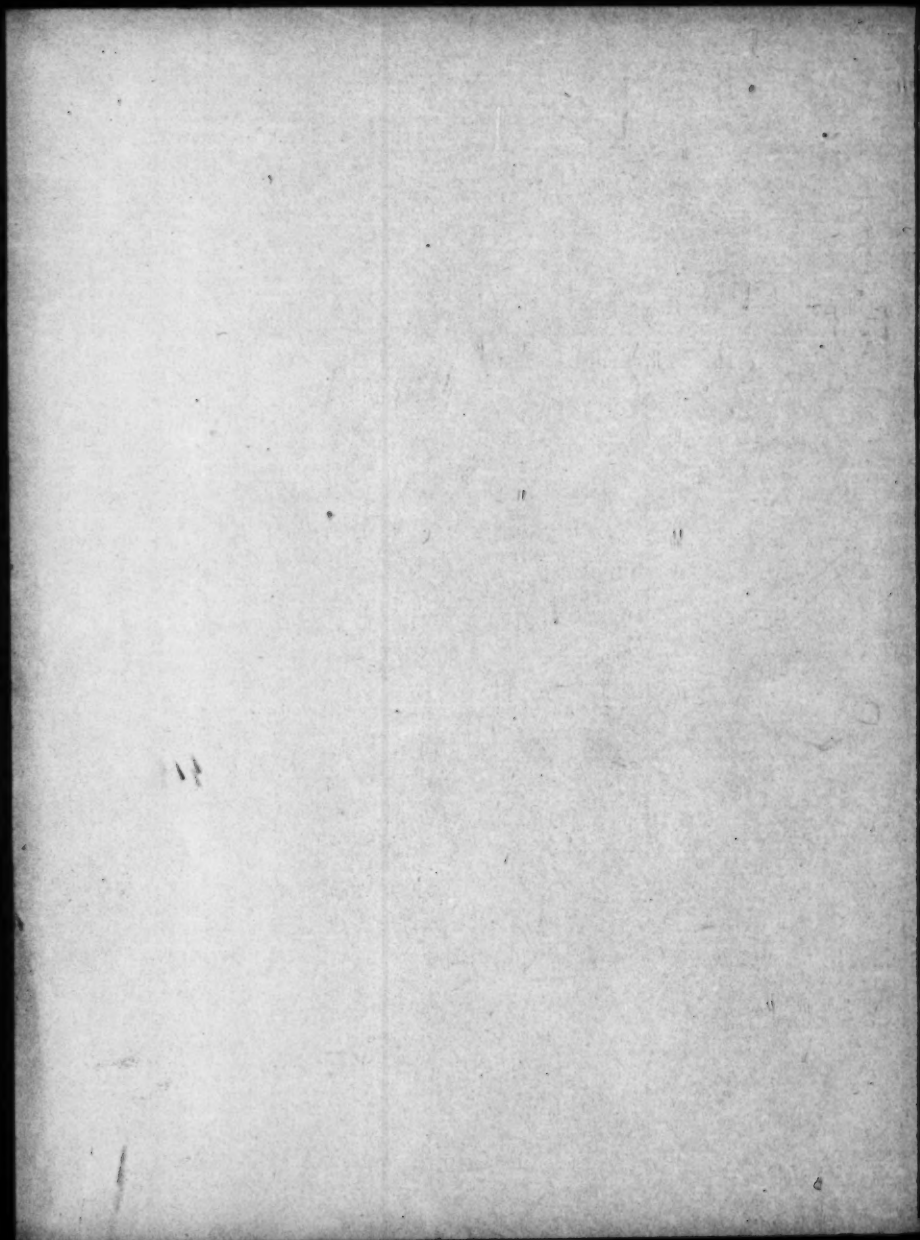


23

Lawes and Ordinances
OF
WARRE,
Established for the better Conduct
OF THE
ARMY.

London, Printed for John Wright, at the
King-head in the Old Bailey.

23.
Dan. Fleming





B. J. 18/27
Cup. 403. F. 8.

- 168 ***Lawes and Ordinances of Warre**, Established for the better Conduct of the Army. *Printed for John Wright* [1642]. £95
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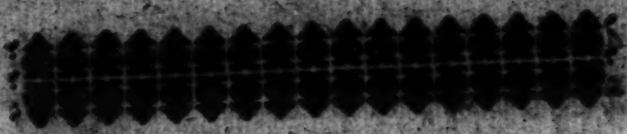
Dan. Fleming.

WARRIERS

Established on the 1st of June 1776

OF THE
ARMY

Printed by J. B. Smith for the Author
at the Office of the Secretary of War



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O. all the Officers of the Ar-
my, Colonels, Lieutenants-
Colonels, Serjeant Majors,
Captains, other Officers
and Souldiers of Horse and Foot, and
all

~~all other than these Lawes and Ordinances~~

V *Hich Lawes and Ordinances hereby Published to all the said Persons respectively and severally, are Required and Commanded to observe and keep, on the Pains and Penalties therein expressed.*



LAWES

*all the Officers of the Ar-
my, Colonels, Lieutenants,
Colonels, Sergeant Majors,
Captains, and Officers
and Soldiers of Horse and Foot, and
all*

**LAWES
AND
ORDINANCES
OF**

Warre.

Of Duties to God.

I First, Let no man presume to blasphemize the Holy and Blessed Trinity, God the Father, God the Son, and God the Holy Ghost; nor the known Articles of our Christian Faith, upon pain to have his Tongue bored with a red-hot Iron.

II.

Unlawful Oathes and Execrations, and scandalous acts in derogation of Gods Honour, shall be punished with loss of Pay.

Laws and Ordinances

Pay, and other punishment at discretion.

III.

Neglecting
Divine Wor-
ship.

All those who often and wilfully absent themselves from Sermons, and publick Prayer, shall be proceeded against at discretion; And all such who shall violate Places of Publick worship, shall undergo severe censure.



Of Duties in General.

Intelligence
with the En-
emy.

ALL such as shall practice and entertain Intelligence with the Enemy by any manner of means or flights, and have any communication with them, without direction from the *Lord General*, shall be punished as Traytors and Rebels.

Relief of the
Enemy.

No man shall relieve the Enemy, with Money, Victuals, Ammunition; neither harbour or receive any such, upon pain of death.

Yielding up
of Towns.

If a Towne, Cattle, or Fort be yielded

without the smallest delay,
the Governor thereof shall be provided
with such arms and ammunition as may be
necessary for the defence of the same.

But if so it be, that the Officers and Sol-
diers of the Garrison constrain the Govern-
ment to yield it up: In such case shall all
the Officers be punished with death, and
the Common Souldiers who have been a-
ctive, or have given their consent in con-
straining the Government, shall be left for
the hanging of the rope, and amongst them

V.

And withal to know in what case and
circumstances a Governour, and the Officers
of the Garrison may be blameless, for the
surrendering of a Town, Castle, or Fort, it
is hereby expressly signified: That first
they are to prove the extremity of want
within the place, in such that no earthly
provisions are left them for the sustenance
of their lives. Secondly, that no succour
or relief in any probable way could be ob-
tained for. Thirdly, that nothing else could
be expected, but that within a short time

Law and Order

the Town, Castle, or Fort, with all the
Garrison, and Arms, Ammunition, Munition,
zinc, and appurtenances in it, shall of ne-
cessity, fall into the hands of the Enemy.
Upon proof of which former stated cir-
cumstances, they may be executed in a
Council of War, after to be by the the
highest that expressed to be the
the common Council of the Garrison.

Article Six-
vice.

Whoever shall be convicted to do his
Duty diligently and carefully, shall be pu-
nished at discretion.

Violation of a
Saw-wood.

Article VII. of January 1794
Whoever shall presume to violate a
Saw-guard, shall dye without mercy, and
be hanged by the neck, and his body
shall be divided into four parts, and
sent to the four corners of the
Town, and the same shall be
done to the same.

Article VIII. of January 1794
Whoever shall come from the Enemy
without a Trumpet, or Drum, after the
Cessation of War, or without a Pass from
his Excellency, within the Quarters of the
Army, or within a Garrison Town, shall
be hanged up for a Spy.

Article IX. of January 1794
Whoever shall be convicted to do his
Duty diligently and carefully, shall be pu-
nished at discretion.

V.

Resisting a-
gainst corre-
ction.

No man shall draw, hit, or offer
to draw, or lift his weapon against any
Officer, correcting him orderly, for his
offence, upon pain of death.

Resisting a-
gainst the
Assembly.

No person shall enter any contentious
assembly, nor be present at any thing where-
unto, or in, or by them, demand their pay,
upon pain of death.

Resisting of
the Sheriff
Marshall.

No man shall resist the Provost Marshal
shall, or any other Officer, in the execu-
tion of his Office, or break prison, upon
pain of death.

Resisting a-
gainst the
Army.

No Soldier shall resist from his
rank, or refuse to follow, or be
disobedient, upon pain of death.

VI.

Carrying
weapons
speeches.

No man shall carry any weapon
openly, nor shall he utter any
contumacious speeches, or challenge any
Commander, which may be
as the Officers may be heard, and

Resisting a-
gainst the
Justice.

Whoever shall resist the Justice
of the Peace, or any other
Magistrate, shall be
punished with death.

and shall take his own satisfaction shall be punished by Imprisonment, and as it shall be thought fit by the Marshal-Court: But he that is injured shall be bound to do not forgive the injury: to seek reparation by complaint to his Captain, or Colonel, or other superior Officer, and is shall be given him in writing manifestly.

IV

Who shall take his own satisfaction shall be punished by Imprisonment, and as it shall be thought fit by the Marshal-Court: But he that is injured shall be bound to do not forgive the injury: to seek reparation by complaint to his Captain, or Colonel, or other superior Officer, and is shall be given him in writing manifestly.

Drunkenness in an Officer, shall be punished with loss of Place; in a common Soldier, with such punishment as the Court-Marshal think fit.

II

Rapes, or violent and carnal abuses, shall be punished with death.

III

Adultery, Fornication, and indecent language, shall be punished with discretion, according to the quality of the Offence.

IV

Whore and Robbery, exceeding the value

Laws and Ordinances

value of twelve pence, shall be punished with death.

Provocation.

Of No man shall use reproachful, nor provoking words, or act to any, upon pain of imprisonment, and further punishment, as shall be thought fit to be inflicted upon enemies to Disciplinary Service.

VI.

Seizing upon Dead mens goods.

No man shall take or spoil the Goods of him that dyeth, or is killed in Service, upon pain of restoring double the value, and Arbitrary punishment.

Murder.

Whoever shall be convicted with the death of the Murderer.

II.

Of a Soldier's Duty during his Absence.

Of a Soldier's Duty during his Absence.

II.

Full Absence.

All Soldiers coming to their Colours, shall be ready, or to be excused, shall come fully armed upon pain of severe correction.

III.

Drinking, &c.

No man shall presume to lappet with their

their Armes unfixed, or undecently kept,
upon pain of Arbitrary punishment.

Item, that no Trooper shall use any words

If a Trooper shall lose his Horse, or Hackney, or Foot-man any part of his Armes, by negligence or lewdness, by Dice or Cards, he or they shall remain in quality of Pioners, and Scavengers, till they be furnished with as good as were lost, at their own charge.

Item, that no Trooper shall give or sell

No Soldier shall give to pawn, or sell his Armour, upon pain of imprisonment, and punishment at discretion; and where-soever any armour shall be found so sold or pawned, they shall be brought again to the Army, upon pain of the same.

If a Trooper shall spend his Horse wilfully, or purpose to be rid of the Service, he shall lose his Horse, and remain in the Camp for a Pioneer.

Item, that no Trooper shall borrow

If one borrow the Arms of another to pass the Muster withal, the borrower shall be rigorously punished, and the lender shall forfeit his Goods.

VII.

Lawe and Order

Inbredding of
Ammunition.

None shall presume to spoil, sell, or carry away any Ammunition delivered unto him upon pain of death.

Of Duties Marching

Waste and Ex-
ortion.

None in their March thorow the Countries shall waste, spoil, or extort any Victuals, Money, or pawn, from any subject upon any pretence of want whatsoever, upon pain of death.

Taking of
Horse out of
the Plow.

No Souldiers shall presume, upon no occasion whatsoever, to take a Horse out of the Plough, or to wrong the Husbandmen in their person, or Cattel, or Goods, upon pain of death.

Straggling from
the Colours.

No Souldiers, either Horse or Foot, shall presume in marching to straggle from his Troop or Company, or to March out of his rank, upon pain of death.

Spoiling of
Treen.

No Souldier shall presume in Marching to spoil the Goods

ing or Lodging, to cut down any fruit-
tree, or to deface, or spoil walks or trees,
upon pain of severe punishment.

Of Duties in the Camp and Garrison.

NO man shall depart a mile out of the
Army or Camp without license up-
on pain of death.

NO man shall enter, or go out of the Ar-
my, but by ordinary wayes, upon pain of
death.

III.

NO man shall presume to draw his Sword
without Order after the Watch is set, upon
pain of death.

IV.

NO man shall give a false Alarm, or dis-
charge a Piece in the night, nor make any
noise without lawful cause, upon pain of
death.

V.

NO man shall draw any sword in a pri-
vate quarrel within the Camp, upon pain of
death.

C.

V.I.

Lawes and Ordinances

Revealing the
Watch-word.

VII
He that makes known the watch-word
without Order, or gives any other word
but what is given by the Officers, shall dye
for it.

Offending vio-
lence to Victu-
allers.

VII
No man shall do violence to any that
brings Victuals to the Camp, upon pain of
death.

Speaking with
the Enemies
Messengers.

VIII
None shall speak with a Drum or Trum-
pet, or any other sent by the Enemy, with-
out Order, upon pain of punishment at
discretion.

A Sentinel
sleeping or
drunken.

IX
A Sentinel or Perdue found asleep, or
drunk, or forsaking their place before they
be drawn off shall dye for the offence,
without mercy.

Failing in the
Execution.

X
No man shall fail wilfully to come to
the Marches or Garrisons appointed
him by the Lord General, upon pain of death.

Remaining
unarmed in the
Army.

XI
No man shall carry his Arms, and pre-
tend to be a Soldier, shall remain these
dayes

dayes in the Army without being enrolled
in some company, under pain of death.

XII

No man that is enrolled, shall depart
from the Army or Garrison, or from his
Colours without License, upon pain of
death.

XIII

No private Souldier shall due his
Pay, without a Certificate of the occa-
sion, under the hand of a Magistrate at the
next Muster, upon pain of losing his Pay,
during all the time of his absence.

XIV

He that absents himself when the sign is
given to set the watch, shall be punished at
discretion, either with bread and water in
Prison, or with the wooden horse.

XV

Whoever shall express his discontent
with his Quarter given him in the Camp,
or Garrison, shall be punished as a Muti-
neer.

XVI

Officers of the Regiment shall
shall present of the Regiment to the

Laws and Ordinances

Supper, or lye out all night, without making his superior Officer acquainted, upon pain of cashiering. X

Keeping of
the Quarters
clean.

XVI. All Officers whose charge it is, shall see the Quarters kept clean and sweet, upon pain of severe punishment.

XVII.

Leasing of
Horses feed in
down grounds.

None shall presume to let their Horses feed in down Grounds whatsoever, or to endamage the Husbandman any way, upon severest punishment. X

XVIII.

Whosoever shall in his Quarter, abuse, beat, or fright his Landlord, or any Person else in the Family, or shall extort Money or Victuals, by violence from them, shall be proceeded against as a Mutineer, and an enemy to Discipline. X

Of Dances in Armies

Repairing of
the Colours
upon an Alt.

NO man shall fail immediately to repair unto his Colours (except he be impotens by sickness or sickness) when an Alarm is given, upon pain of death. X

of Warre.

II.

No man shall abandon his Colours, or
Flye away in Battall, upon pain of death.

III.

If a Pike-man throw away his pike, or
a Musketeer his Musket or Bandileer, he
or they shall be punished with death.

IV.

No man shall burn any House or Barn,
be it of friend or foe, or wilfully spoil any
Corn, Hay, or Straw, or Stacks in the
Fields, or any Ship, Boat, Carriage, or any
thing that may serve for the Provision of
the Army without Order, upon pain of
death.

V.

None shall kill an Enemy who yields,
and throws down his Armes.

VI.

None shall save a man who hath his of-
fensive Armes in his hands, upon pain of
losing his Prisoner.

VII.

Whosoever in skirmish shall fling away
his Powder out of his Bandileer, that he
may the sooner come off, shall be punish-
ed with death.

VIII.

VIII.

Imbezelling
of the Prey.

No Souldier shall imbezelle any part of the prey, till it be disposed of by the *Lord General*, or others authorized, upon pain of death.

IX.

Concealing of
Prisoners.

No Officer or Souldier shall ransom, or conceal a Prisoner, but within twelve hours shall make the same known to the *Lord General*, or others authorized upon pain of death.

X.

Pilaging
without li-
cense.

No man upon any good success, shall fall a pilaging before license, or a sign given upon pain of death.

XI.

Retreating
before the En-
emy.

A Regiment or Company of Horse or Foot, that chargeth the Enemy, and retreats before they come to handy-strokes, shall answer it before a Council of War; and if the fault be found in the Officers, they shall be banished the Camp, if in the Souldiers, then every tenth man shall be punished at discretion, and the rest serve for Pioners and Scavengers, till a worthy exploit take off this Blot.

dash *thru* *of*

*Of the Duties of Commanders and Officers
in particular.*

ALL Commanders are straightly charged to see Almighty God reverently served, and Sermons and Prayers duly frequented.

*Commanders
shall see God
duly served.*

II.

All Commanders and Officers that find any of discontented Humours, are to minimize, or any swerving from direction given, or from the policy of the Army set down; shall straightway acquaint the *Lord General* therewith, or others authorized, as they will answer their neglect.

*Commanders
shall acquaint
my Lord General
with what
discontented
there is.*

III.

Any Officer that dare presume to defraud the Souldiers of their pay, or any part of it, shall be punished.

*Defrauding
Souldiers pay.*

IV.

No Corporal, or other Officer commanding the Watch, shall willingly suffer a Souldier to go forth to a Duel, or private Fight, upon pain of death.

*Suffering of
Duelists.*

V.

What Officers soever shall come drunk

*Drunk Officers
shall be
punished.*

Laws and Ordinances

to his Guard, or shall quarrel in the Quarter, or commit any disorder, shall be cashiered without mercy; and the next Officer under him shall have his place, which he may pretend to be his right, and it shall not be refused to him.

VI.

Careless Captains,

A Captain that is careless in the Training and Governing of his Company, shall be displaced of his charge.

VII.

Officers not paying their Paise.

All Captains or Officers that shall out-Ray their Paise, shall be punished at the *Lord Generals* discretion.

VIII.

All Officers bound to part quarrels.

All Officers, of what condition soever, that have power to part quarrels and frays, or sustain disorders betwixt the Souldiers, though it be in any other Regiment or Company, and to commit the disordered to prison for the present, until such Officers as they belong unto are acquainted with it. And what Souldier soever shall resist, disobey, or draw his Sword against such an Officer (although he be no Officer of his Regiment or Company) shall be punished with death.

IX. A Captain or Officer non-resident in the place assigned him for Garrison without License, shall have one months pay defaulted for the first offence, and two Months for the second: upon the third Offence he shall be discharged of his Command.

Officers non-resident in Garrison.

X. After the Army is come to the general Rendezvous, no Captain shall cashier any Soldier that is enrolled without special Warrant of the *Lord General*.

Cashiering of Soldiers.

XI. No Captain or Officer of a Troop or Company shall present in Mustres, any but real Troopers and Soldiers, such as by their pay are bound to follow their Colours, upon pain of cashiering without mercy. And if any Victualler, Freebooter, Enterloper, or Scoundrel whatsoever, of any Troop or Company, shall present himself, or his Horse in the Mustres, to mislead the Muster-Master, and to betray the Service, the same shall be punished with death.

Presenting of Soldiers.

Muster-Master.

Freebooter.

Enterloper.

Scoundrel.

XII. No Provider, Keeper, or Officer of Victual or Ammunition, shall misbehave or spend any part thereof, or give any false

Provider of Victuals & Ammunition.

D

account

Lawes and Ordinances

account to the Lord Generall, upon paine of death.

The Day of Mustring.

NO Muster-Master must wrongfully let any passe in the Mustring, but such as are really of the Troop or Company presented, upon paine of death.

Muster-Masters committing
at counterfeits.

Captains must
send a Roll of
their men to
the Lord Ge-
nerall.

Upon All Captains shall write their Troops or Companies to be full and compleat; and two dayes after the Generall Mustring, they shall send to the Lord Generall a perfect List or Roll of all the Officers of their Troops and Companies, and likewise of all the Troopers and Soldiers that are in actual Service, putting down distinctly in the head of each man his Monthly pay.

Every Day-
day.

Every Officer shall send to the Lord Generall a List of the Captains sent to the Lord Generall, and the Troopers of the Army upon every Pay-day, during the Service, with a plain small Expression in the bottom of the List Roll, what new Troopers or Soldiers have been entertained since the last Pay-day.

THROOGE

C

Pay-

Pay-day, in lieu of such as are either de-
ceased or cashiered, and likewise the day
whereon they were to be cashiered and dis-
charged.

IV. Which said List or Roll shall be
subscribed, not only by the Captain and
his Lieutenant and Colonel or Engineer,
but also by the Sergeants and Corporals re-
spectively, who shall declare upon their
Oath, that the Troopers and Soldiers en-
rolled in the said List, are real and actual
Troopers and Soldiers of the respective
Troop and Companies. And whoever
shall be convicted of falsehood in any of the
Forfeitures, shall be cashiered.

V. No Muster-Master shall presume to
receive or accept of any Roll to make the
Muster by, but the forementioned Rolls
upon pain of the loss of his place, and o-
ther punishment at discretion.

VI. No man shall presume to present
himself to the Muster, or to be enrolled in
the Muster Rolls by a counterfeit name,
or surname, or place of birth, upon pain
of death.

Subscribed by
all the Officers
of the Troop
or Company.

Mustered
and made up
by the Muster-Master.

Committed
to the Muster
Rolls.

Lawes and Customes

Of Victualles.

Victualles & feeding souldiers
Victualles.

NO Victualles shall presume to sell or sell unto any of the Army, without licence, licence, or licence, Victualles upon pain of imprisonment, and further Arbitrary punishment.

No Souldier
may be a
Victualles.

II. No Souldier shall be a Victualles without the consent of the *Lord Generall*, or others authorized upon pain of punishment at discretion.

Unreasonable
hours kept by
Victualles.

III. No Victualles shall entertain any Souldier in his House, Tent, or Hut, after the Warning-piece is light, or before the beating of the *Parade* in the morning.

Unreasonable
hours kept by
Victualles.

IV. No Victualles shall forestall any Victualles, nor sell them before they be appraised by the *Marshal General*, upon severer punishment.

Unreasonable
hours kept by
Victualles.

OF THE SUMMARIE HEARING OF THE CASES OF THE SOLDIERS.

Summary pro-
ceedings.

I. All controversies between Souldiers and their Captains, and all others, shall be summarily heard and determined by the *Council of Warre*, except the

the willingness of the said prisoner that
that declaration be published in full view

II. All Officers and soldiers who shall
send up any Prisoner were the Marshall
General of the Army, shall likewise de-
liver unto the Marshall the cause and rea-
son of the Imprisonment. And without
such cause and reason shown, the Marshall
is expressly forbid to take charge of the
Prisoner so to

The Marshall
shall be
Prisoner

III. Where a Prisoner is committed on
the charge of the Marshall General, The
information of the Crime which he stand-
eth committed for, is to be given into the
Adjutant of the Army, within 48. hours
after the commitment, or else for default
thereof, the Prisoner to be released, ex-
cept good cause be shown, wherefore the
Information cannot be ready within that
time.

IV. The Goods of such as dye in the
Army or Garrison, or be slain in the ser-
vice, if they make any Will by word or
writing, shall be disposed of according to
their Will. If they make no will, then they
shall go to their wives, or next Kin.

Laws and Customs

no Wife or Kindred of the Soldier, or any other person, after, shall be disposed of, or the Goods or Chattels of the said Soldier, or any other person, belonging to Laws Civil and Military.

Civil Magistrate
Shall not
Interfere
in
Military
Affairs.

V. No Magistrate of Town or Countrey, shall without License apprehend any Soldier, unless for Capital Offences.

For Debts and
other small
Causes.

VI. In matters of Debt or Trespass, or other inferior cases, the Magistrate shall acquaint his Captain, or other chief Officer therewith, who if to end the matter with the content of the complainant, or to leave the party grieved to take his remedy by the course of Law. And if the Officer fail of his duty therein, the Lord General upon complaint of the party grieved, will not only see him right, but the Officer punished for his neglect in this behalf.

Having the
Court of
Justice.

VII. No man shall presume to use any railing or menacing words, Prints, or gestures, while the Court of Justice is sitting, upon pain of death.

Receiving of
Man away.

VIII. No Inhabitant of City, Town, or Countrey, shall presume to receive any Soldier into his Service, or conceal, or use

means

items to deliver such Remonstrances; but
shall apprehend all such, and deliver them
to the Principal Marshall.

IX. All Captains, Officers, and Soldiers <sup>Committing of
offences</sup> shall do their endeavours to detect,
apprehend, and bring to punishment all
Offenders, and shall assist the Officers of
the army for that purpose, as they will
answer their Obedience in the Marshall's
Court.

X. If the Marshal shall dismiss with-
out Authority, any Prisoner committed
unto his charge, or suffer him to make an
escape, he shall be liable to the same pu-
nishment due unto the dismissed or es-
caped offender.

XI. All other Faults, Disorders, and <sup>Offences
whenever so
committed by
the Army</sup> Offences not mentioned in these Articles,
shall be punished according to the general
Customs and Laws of War.

AND to the end that these Laws and Ordinan-
ces be made more publick and known, as well
to the Officers, as to the Common Soldiers, every
Colonel and Captain is to provide some of these
Books, and to cause them to be sent forth distinct-
ly.

Laws and Ordinances

by and authority made in every several Regiment, by
the respective Marshalls in presence of all the Of-
ficers: In the Horse Quarter by four of Trum-
pet, and amongst the Foot by four of Drums. And
weekly afterwards upon the Pay-day, every Cap-
tain is to cause this song to be read to his com-
pany, in presence of his Officers, and also upon
every main Guard, the Captain is to do the like,
that none may be ignorant of the Laws and Duties
required by them.

X. The Marshal shall distinguish with
an Authority, any Prisoner committed
unto his charge, or deliver him to make an
escape, he shall be liable to the same pu-
nishment as the offender.

XI. All other Faults, Disorders, and
Offences not mentioned in these Articles,
shall be punished as the General War-
rants and Laws of the

FINIS

A. N. to the end that the Laws and Ordinances
may be made more publick and known, as well
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